

FARMERS ALLIANCE INSURANCE COMPANY)	AGBCA No. 2005-115 -F
and)	
FARMERS CROP INSURANCE ALLIANCE)	
(Case No. CRCO-2004-00062),)	
)	
Appellants)	
)	
Representing the Appellants:)	
)	
Bruce B. Green, Esquire)	
Willson & Pechacek)	
P.O. Box 2029)	
Council Bluffs, Iowa 51502)	
)	
Representing the Government:)	
)	
John P. Vos, Esquire)	
Office of the General Counsel)	
U. S. Department of Agriculture)	
6501 Beacon Drive)	
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Kansas City, Missouri 64133-4675)	

DECISION OF THE BOARD OF CONTRACT APPEALS

January 12, 2005

Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge VERGILIO.

On November 17, 2004, the Board received from Farmers Alliance Insurance Company and Farmers Crop Insurance Alliance the underlying notice of appeal. The insurance companies state that the appeal is taken from a letter, dated August 20, 2004, from the Director of the Central Regional Compliance Office of the Risk Management Agency (RMA) of the U. S. Department of Agriculture. They specify in the notice of appeal that the letter was not sent in response to a request for a final administrative determination, but continue: "Since it is unclear whether the [Government] intends [the letter] to be a 'final administrative determination' within the meaning of 7 C.F.R. § 400.169(b) and (d), [each insurance company] files this appeal to protect[] its rights of appeal before this Board." The insurance companies recognize, however, that they never sought or obtained a

determination from the Deputy Administrator for Compliance (who is someone other than the Director of the Central Regional Compliance Office) on the matter.

As discussed during an initial conference involving the presiding judge and parties, and subsequently confirmed in a letter from the Government, the “correspondence from the Compliance Office is not an administratively final decision.” During a telephone conference held on January 11, 2005, the insurance company confirmed that this matter can now be dismissed with prejudice, as indicated in a letter transmitted to the Board and Government with a date of January 10, 2005. The Government does not object to such a dismissal.

DECISION

The Board dismisses with prejudice this matter.

JOSEPH A. VERGILIO

Administrative Judge

Concurring:

HOWARD A. POLLACK

Administrative Judge

ANNE W. WESTBROOK

Administrative Judge

**Issued at Washington, D.C.
January 12, 2005**